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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,766	03/21/2006	Peter Ward	1-17284	3333
1678 7590 12/22/2009 MARSHALL & MELHORN, LLC FOUR SEAGATE - EIGHTH FLOOR TOLEDO, OH 43604				
EXAMINER				
NGUYEN, CHI Q				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
12/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,766

Applicant(s)

WARD ET AL.

Examiner

CHI Q. NGUYEN

Art Unit

3635

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 28-39 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2009 has been entered.

Claims 1-20 have been cancelled.

Claims 21-39 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-25 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,138,434 to Demars et al.

Claims 21, 31, 36 and 39:

Demars et al. disclose in Fig. 2, a laminated panel comprising a first glass ply 4 having an inner face, a second glass ply 5 having an inner face and a bonding interlayer 8 said laminate having at least one bore 9 extending through the panel wherein a sealing

member 10 is placed between the glass plies 4/5 so as to surround the bore 9 and form a seal with the inner faces of the glass plies thereby excluding the interlayer from an area surrounding the bore and a load bearing insert 25 is positioned in the area surrounding the bore from interlayer has been excluded (see Figs. 2a-2c).

Claims 22 and 24:

Wherein the sealing member 10 is a resilient material, in a disc shaped, comprises a compressible material.

Claims 23 and 25:

Wherein the sealing member 10 is inherently removed from the laminated panel following the completion of the lamination process.

Claim 28:

Wherein the sealing member 10 comprises a ring of compressible material which extends around the perimeter of an annulus formed from a load bearing material and which is positioned prior to the lamination step (col. 4, line 61).

Claim 29:

Wherein thickness of the sealing member, prior to lamination, is inherently greater than that of the annulus.

Claim 30:

Wherein the ring of compressible material is compressed so that its thickness is substantially the same as that of the disc during the lamination process (see Fig. 2).

Claim 32:

Further comprising a sealing member 10 positioned so as to surround the bore.

Claim 33:

Wherein said seal 10 is formed by a ring of compressible material positioned so as to surround the bore (see Fig. 2).

Claim 34:

Wherein said insert 15 or 25 comprises a load bearing disc which was positioned prior to the production of the laminate.

Claim 35:

It should be noted that claim 35 is considered product-by-process claims; therefore, determination of patentability is base on the product itself. See MPEP 2113. The patentability of the product does not depend on its method of production. If the product-by-process claim is the same as or obvious from a product of the same prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 777 Fed 695, 698,227 USPQ 964,966 (Fed.Cir.1985).

Claim 37:

Comprising at least two laminated panels 4/5 lying in the same plane and jointed to one another by means 12 of fixing assemblies which pass through a bore in each panel (Figs. 2a-2c).

Claim 38:

Wherein the fixing 12 assemblies comprise a bolt 13 passing through a bore and acting on a plate which bridges the two panels 4/5.

Allowable Subject Matter

Claims 26-27 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

In regard applicant argues that the prior art Demars et al. do not disclose two glass panels 4/5 are laminated; and a load bearing insert is positioned on the outside of the glass sheets 4/5, not in the area between the glass sheets and surrounding a bore have been fully considered but they are not persuasive because: (1) two glass sheets 4/5 are clearly laminated. By Merriam-Webster's Collegiate Dictionary, 10th edition defines that: "lamine" (a) to make by uniting superposed layers of one or more materials or (b) to unite (layers of material) by an adhesive and other means. (2) a load bearing insert 25 shows in Figs. 2b-2c is positioned between the glass sheet 4.5 and surrounding a bore.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./
Examiner, Art Unit 3635

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635